

## COUNCIL MEETING

DECEMBER 6, 2017

The Council Meeting of the Council of the County of Kaua'i was called to order by Council Chair Mel Rapozo at the Council Chambers, 4396 Rice Street, Suite 201, Līhu'e, Kaua'i, on Wednesday, December 6, 2017 at 8:34 a.m., after which the following Members answered the call of the roll:

Honorable Arthur Brun  
Honorable Mason K. Chock  
Honorable Ross Kagawa  
Honorable Arryl Kaneshiro  
Honorable Derek S.K. Kawakami  
Honorable JoAnn A. Yukimura  
Honorable Mel Rapozo

Council Chair Rapozo: Next item is the approval of the agenda. I will need a motion to amend the agenda because of a typographical error on page 3. On the agenda, it is showing Proposed Draft Bill (No. 2676) and it should be Proposed Draft Bill (No. 2677). We need a motion to approve the agenda first.

### APPROVAL OF AGENDA.

Councilmember Chock moved for approval of the agenda as circulated, seconded by Councilmember Kaneshiro.

Councilmember Kagawa moved to amend agenda item G1, BILL FOR FIRST READING, Proposed Draft Bill (No. 2676) to Proposed Draft Bill (No. 2677), seconded by Councilmember Kaneshiro.

Council Chair Rapozo: Any discussion or public testimony?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

The motion to amend agenda item G1, BILL FOR FIRST READING, Proposed Draft Bill (No. 2676) to Proposed Draft Bill (No. 2677) was then put, and unanimously carried.

The motion for approval of the agenda as amended was then put, and unanimously carried.

MINUTES of the following meetings of the Council:

October 18, 2017 Public Hearing re: Bill No. 2668  
November 1, 2017 Council Meeting  
November 15, 2017 Council Meeting  
November 15, 2017 Public Hearing re: Bill No. 2670 and Bill No. 2672

Councilmember Kaneshiro moved to approve the Minutes as circulated, seconded by Councilmember Kagawa.

Council Chair Rapozo: Any discussion or public testimony?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

The motion to approve the Minutes as circulated was then put, and unanimously carried.

COMMUNICATIONS:

C 2017-263 Communication (10/23/2017) from the Acting County Engineer, requesting Council approval to dispose of the following government records, pursuant to Hawai'i Revised Statutes (HRS) Section 46-43 and Resolution No. 2008-39 (2008) as amended, which have been kept for over seven (7) years and are no longer of use or value:

- Various Contracts (Solid Waste and Recycling Contract files, including solicitations, contracts, correspondences, reports, and payment records) (Prior to 2009)
- Abandoned / Derelict Vehicles (Information on registered owners, towing data, vehicle license number and Vehicle Identification Number (VIN), photos, correspondences, and payment) (Prior to 2009)
- Landfill Billing (Weighmaster landfill cash receipts, cash posting lists, and customer billing) (Prior to 2009)
- Equipment Purchases (Solicitations, contracts, correspondences, and payment) (Prior to 2009)

JADE K FOUNTAIN-TANIGAWA, County Clerk: This was deferred on November 15, 2017.

Councilmember Kagawa moved to approve C 2017-263, seconded by Councilmember Kaneshiro.

Council Chair Rapozo: Any discussion?

Councilmember Yukimura: Yes.

Council Chair Rapozo: Go ahead.

Councilmember Yukimura: Thanks to the discussion at our last meeting and the inspection by the Department of Public Works Solid Waste Division...but I would like to have Keith come forward.

There being no objections, the rules were suspended.

KEITH SUGA, Executive Assistant to the Mayor: Good morning, Councilmembers, Keith Suga from the Department of Public Works.

ALLISON FRALEY, Solid Waste Program Development Coordinator: Good morning, Allison Fraley, Solid Waste.

Councilmember Yukimura: Keith, can you just describe what you found out in terms of what is being proposed for disposal?

Mr. Suga: Sure. We are currently in the process of an office reorganization, so with that, we are trying to create a more efficient work environment for the staff, as well as create a customer service area that is better serviced for the customers that we get daily. We are looking at the external storage that we have to free up space there and dispose of the records before you and relocate some of the current files in our office down there to create more room in the office. The files that are being requested for disposal, our staff went through the storage area and identified about half of the documents down there that we felt that the value of them were not of such that we needed to retain them. A lot of the old documentations related to contracts were such that we have, as-is currently with Solid Waste, a lot of annual contracts. An example of that could be tire contracts or whitegoods' contracts from years past that currently we do not see the value of retaining those because we do annual procurements and we have those documentations in our files currently. We looked through the documentation and the storage items and identified these that are before you for disposal at this time, because we do recognize the very importance of keeping documentation that has value for future projects and future solicitations, so we definitely are retaining those items and those are not included in the request for disposal.

Councilmember Yukimura: Okay, so I was concerned as to how far back they went, because I have been interested in looking back at our...we did some substantial work after 'Iniki and then there were some contracts related to waste-to-energy and to systems, like we did recently, a contract of another way of handling our solid waste or suggestion of various possibilities. Those will not be disposed of; is that correct?

Mr. Suga: That is correct. We checked our files of the documents and the boxes that we are recommending for disposal, I think the contract one goes back to 1996. In reviewing the contents, they do not include any type of solicitations for any prior waste-to-energy, request for proposals (RFP), or that sort of thing. I would agree with you that those would be important to retain and keep in our files.

Councilmember Yukimura: It is not just waste-to-energy, but any RFP that is looking at proposals for solid waste management.

Mr. Suga: Correct.

Councilmember Yukimura: Okay, that is great. Thank you very much.

Council Chair Rapozo: I have a question. Earlier, you said you are doing a reorganization. Is that a physical reorganization or a personnel reorganization?

Mr. Suga: It is a physical reorganization of the office space itself.

Council Chair Rapozo: Therefore, just moving desks.

Mr. Suga: Yes, moving desks, moving partitions, making it a little bit more efficient for the staff.

Council Chair Rapozo: Okay. Any further questions?  
Councilmember Yukimura.

Councilmember Yukimura: Are we, from here on out, doing keeping of electronic records?

Mr. Suga: Yes.

Councilmember Yukimura: Okay. Are all our bids and everything is stored electronically?

Mr. Suga: Correct.

Councilmember Yukimura: The concern for some of this is that if they are disposed, there is no record at all.

Mr. Suga: The Purchasing Division has a repository for procurement documents and we have as well within the Solid Waste Division a SharePoint drive that holds all of those documentations electronically.

Councilmember Yukimura: Okay, very good. Thank you.

Council Chair Rapozo: Therefore, all of these documents that you are requesting, you have an electronic back up?

Mr. Suga: Not for these older ones, but the more recent documents have been electronically stored.

Councilmember Yukimura: Thank you very much.

Council Chair Rapozo: Anybody wishing to testify on this matter? If not, I will call the meeting back to order.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

Council Chair Rapozo: Any further discussion? Councilmember Kagawa.

Councilmember Kagawa: I think it is important that the judgment by the County Engineer and staff is used in determining which documents or contracts that exceed the seven (7) years are different, are more important. Hopefully, they have that judgement and keep those records, because I am afraid that down the line there is going to be a lawsuit or what have you and we are going to need those records. It may be just a few and we are going to say, "The Council said we could throw it all away and we no longer have it," and it will really look bad, but it is a matter of trust. If you keep every single document back then, of course ninety-nine percent (99%) is rubbish and it is just going to be kept unnecessarily and it may even make it difficult to find the one we really need when it comes a time, so it is really between a rock and a hard place. Is it better to keep all? Of course. But is it reasonable? No. But then again, we hope management and our County Engineer will determine which documents need to be kept even though the Council said you can throw away everything up to seven (7) years. Hopefully, they know better and we do not get into that situation where the County really looks bad because we threw away something that we really needed. I will leave it to the professionals to make those decisions.

Please, do not throw away anything that you foresee that could come back to haunt us. Thank you.

Council Chair Rapozo: Any further discussion? Let me say that I share your concerns, Councilmember Kagawa. That is why this process is in place. It is for the checks and balances because the Administration is entitled to do certain things and certain things are required for them to come before the Council. I do not understand, and this is not the first time we have had this discussion with other departments, Finance and everything, but I do not understand that with today's technology how we cannot make an electronic copy of records and files. We are a government. I just do not get it. I keep hearing the excuse, "The cost, the cost, the cost." Well, if we do an annual plan of backing up our data, I think at some point we would be caught up, but we did it here at Council, and yes, it comes with a price. But at the end of the day, especially with this issue, especially with this department, especially with this solid waste and landfill...I mean we have pending issues right now that have not been resolved with transfer stations, with the landfill, and personnel. I am troubled and I guess long-story short, I really would rather these documents be held for a certain time, until we resolve all the issues. Because we have not discussed the transfer station issue that had cost this County a significant amount of money in fines, it does not mean that, for me anyway, that I had forgotten about it. It means that we are trying to let this process go through, we are trying to let the County fix what was broken, but we have not had an update in a long time. I have not decided whether or not I want to introduce an audit or an investigation into what happened, because it costs the taxpayers a lot of money and it should never happen. I am not prepared to support this today, but if this body feels it is okay, but the reason this is at our table is because we are the final stop, Councilmember Kagawa, and three (3) years from now, if something comes up, it will be that the Council had allowed the destruction of these documents. I am not comfortable. I do not know how much space these documents are taking. I do not understand, again, why we cannot back up these documents. I do not understand why this County does not have a policy that anything related to contracts, procurement, anything that is subjected to litigation—I know you are going to hear from the Attorney that the statute of limitations has run out—it does not matter as far as I am concerned because the County Council does not have a statute of limitations to look into anything. It is not a criminal court; it is not a civil court. You are right. You started off with "it is a matter of trust." I am going to be honest that there is a problem of trust right now for me. I cannot support the destruction of these documents. Councilmember Yukimura.

Councilmember Yukimura: Council Chair, I have the same concerns you have. I believe though that from a certain point in time, all the records, at least with respect to bids and procurement, are electronically preserved. As I recall about a year after he took the position with us, Ernie Barreira, went paperless on our procurement

system. I believe we do now have...these records I think are old records when we were not doing an electronic system and maybe we can get some clarification.

Council Chair Rapozo: It is very clear that it is from seven (7) years prior, so it is clear and they already said they do not have electronic records. I think you missed my point of saying...

Councilmember Yukimura: Of past records.

Council Chair Rapozo: ...you are missing my point. I said that nothing prohibits this County or stops this County from putting those old records into electronic storage. That is what I am suggesting. When we are dealing with procurements, when we are dealing with issues that is of concern of this body...I understand fully that now we do it, but if we are looking back, you hear it all the time on the news that these jurisdictions cannot find certain records and critical in investigations or cases. I am well aware that we are doing it now...these records that we are talking about...and I know Keith said, "We have looked through them and some we going keep and some we are not," but this approval does not specify. This says all the records. They have the ability to destroy everything based on your approval today. I understand that they have that authority to "pick and choose," but this approval is not a "pick and choose." This is giving them the authority to destroy all. Councilmember Kagawa.

Councilmember Kagawa: I think I just made my comments just out of precaution. If there is a lawsuit or what have you, regarding documents more than seven (7) years old, I think for the most part we would have been already aware of what particular item is in question. We are talking about a really small amount that will come up that has not come up by now, so that is why I said I am hoping that they have that judgment to keep those that could possibly come up and those would probably be the big ones like whomever has the landfill contract down there and still has it. Those types of contracts you would keep. Anything regarding green waste or what have you that have come up in question before, maybe those are the ones we keep. So I am hoping that they have the judgment and being a layperson here on this Council, I certainly do not have the judgment to tell them which documents to keep. I just wanted to mention that I would hope that there is that knowledge in there. Allison has been there a long time and so has some of the others in that office. Like I said, it is just a warning that I gave and hope that they would follow. That does not mean that we keep every single document, because even for the State Department of Education (DOE), we have this policy of keeping three (3) years and everything else, you automatically can throw away regarding driver's education and what have you, so I think there are policies all over government. There are instances where lawsuits or liability come up and you say, "Well, the law allowed me to dispose of this," and it is because you cannot keep everything. There has to be a timeline where you can dump and seven (7) years is reasonable, but I just wanted to share that word of advice

—I do not want to vote against this and make them keep everything because I think that is unreasonable as well. Thank you.

Council Chair Rapozo: Further discussion? I have been here fourteen (14) years and every time we have requested our staff to get documentation for something that happened, even back to the 1950s, 1960s, and the 1970s, we have always been able to get those documents. Can you imagine if you were working on a project and you are working on...regardless of what the project is and you go to staff and ask, "Can I get the minutes or can I get the documents that involved the discussion back in 2008," and they say, "Sorry, we got rid of that. We do not have that." "No record?" "No record." It is a County government and we are going to say, "No record. We tossed it because the law says we can get rid of it after seven (7) years." Would that have problems? Would that create problems? Absolutely. I just do not understand—we are government, we are not some small business on the side of the road selling knick-knacks. We are a government entity that I believe we should have access and all the documents should be kept. That is just my position. With that, the motion is to approve. Roll call.

The motion to approve C 2017-263 was then put, and carried by the following vote:

FOR APPROVAL:	Brun, Chock, Kagawa, Kaneshiro, Kawakami, Yukimura	TOTAL – 6,
AGAINST APPROVAL:	Rapozo	TOTAL – 1,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Six (6) ayes.

Council Chair Rapozo: Next item.

C 2017-271 Communication (11/13/2017) from the Mayor, transmitting for Council consideration, the cost items for the State of Hawai'i Organization of Police Officers (SHOPO) Bargaining Unit 12 for the period July 1, 2017 through June 30, 2021 based on an arbitrated award and in accordance with the procedures contained in Chapter 89, Hawai'i Revised Statutes (HRS), pursuant to Section 89-11 of the HRS and Section 19.13B of the Kaua'i County Charter: Councilmember Kagawa moved to receive C 2017-271 for the record, seconded by Councilmember Kaneshiro.

Council Chair Rapozo: This is the communication, and for the record, I just want to make note that the bill number is 2677 on the text, the Proposed Draft Bill (No. 2676). Can I just make a note that that should be Proposed Draft Bill (No. 2677)? This is the communication that has an accompanying bill. We



will take up the bill later. Is there anyone here wishing to testify on this matter? Okay, we will take your testimony for the communication and it will carryover and applied to the bill as well.

There being no objections, the rules were suspended to take public testimony.

JESSE J. GUIRAO, Detective, Kaua'i Police Department: Council Chair Rapozo, Council Vice Chair Kagawa, and Members of the Council, good morning. My name is Jesse Guirao. I am the Kaua'i Chapter Chairman for the State of Hawai'i Organization of Police Officers (SHOPO) and a Detective with the Kaua'i Police Department. I am here on behalf of the many police officers serving and protecting the citizens and visitors of our island. I humbly ask for your support in approving Bill No. 2677 relating to our negotiating contract for Bargaining Unit 12. Our team lead by SHOPO President Tenari Ma'afala amicably negotiated with the employers group for several months, taking into consideration our island's economic health as well as the forecast for the years to come. Another issue facing police departments across the nation is adequate staffing. Hawai'i currently has a shortage of police officers. This bill hopes to attract more individuals wanting to become police officers. Furthermore, our team was always mindful of the other respective bargaining units who were also in negotiations. Again, I humbly ask Members of this Council to support and approve Bill No. 2677 related to our Bargaining Unit 12. Thank you for allowing me this opportunity this morning to provide testimony on this bill. Happy holidays and God bless.

Council Chair Rapozo: Thank you very much. Would anyone else wish to testify? Chief.

DARRYL D. PERRY, Chief of Police: Good morning, Chief Perry, Kaua'i Police Department. I had not planned to provide testimony; I am here on another issue. However, I would like to echo what was just relayed to you by Chapter Chair Guirao. We do have problems with recruitment and retention, not only us, but other departments throughout the nation. Just this morning, I read an article where San Diego police had increased the salaries of their starting pay by thirty percent (30%) for new officers because they are down by two hundred (200) officers. I would like to request your support for this bill. I will be available for any questions that you may have.

Council Chair Rapozo: Thank you. Would anyone else wish to testify? Seeing none, I will call the meeting back to order.

The meeting was called back to order, and proceeded as follows:

Council Chair Rapozo: The motion is to receive. Further discussion?  
Councilmember Kagawa.

Councilmember Kagawa: When this item goes to the Committee Meeting, I want Janine to provide for me...if she has the information as far as with the new increases for Police and Fire, where do we rank nationwide. I know for a fact that as a member of Hawai'i State Teachers Association (HSTA), Hawai'i ranks forty-ninth (49<sup>th</sup>) in the nation out of fifty-one (51), including the District of Columbia, in teacher pay. We rank forty-nine (49), I want to know what Police and Fire is at after these increases. I want to know from Janine as far what would be the financial impacts. I know Mayor Caldwell made a comment about after he saw the increase, he said, "I do not know how the City and County of Honolulu is going to do it." I believe the number he stated was a ninety million dollars (\$90,000,000) per year effect to City and County of Honolulu's budget. I am concerned that I do believe they deserve to be well paid; however, I am just worried that at some point, the pay increases may lead to forced tax increases on our real property taxes. Thank you.

Council Chair Rapozo: Further discussion? Councilmember Yukimura.

Councilmember Yukimura: While we are asking for information and in order that we may properly deliberate over this, I would also like to ask Human Resources to provide the beginning salary for new officer. I think the last time the raises were past...it is not just salary, but total compensation. The last time it was eighty thousand dollars (\$80,000) beginning officer salary, total compensation annually. I would like to know what it would be now with these raises.

Council Chair Rapozo: I am glad you brought that number up because I do not know where that eighty thousand dollar (\$80,000) number came from. Jesse, can you come up, please? I want to get this thing cleared up once and for all. The entry-level is a PO-7. What is the recruit number? The PO number?

There being no objections, the rules were suspended.

Mr. Guirao: Right now I think the...

Council Chair Rapozo: When you come in, what are you, a PO...

Mr. Guirao: A PO-5.

Council Chair Rapozo: Okay PO-5.

Mr. Guirao: Before you make your one-year.

Council Chair Rapozo: Right. Okay, PO-5...I am going to walk this through because I get frustrated when that kind numbers come up. July 1, 2017, sixty-one thousand seven hundred sixteen dollars (\$61,716) is the salary of a PO-5.

Mr. Guirao: Okay.

Council Chair Rapozo: This is proposing step "A" is zero (0) to three (3) years, onetime lump sum of eight thousand one hundred dollars (\$1,800).

Mr. Guirao: Yes.

Council Chair Rapozo: I will add one thousand eight hundred dollars (\$1,800) and this is what is going to happen.

Mr. Guirao: Yes, in 2019.

Council Chair Rapozo: In 2019, okay.

Mr. Guirao: Okay.

Council Chair Rapozo: So, right now it is only sixty-one. Right now, it is five hundred dollars (\$500) for your equipment allowance or gun allowance.

Mr. Guirao: Are you talking about the increase?

Council Chair Rapozo: Right now, it is five hundred dollars (\$500) and it is going to go to one thousand dollars (\$1,000). Is that correct?

Mr. Guirao: For the firearms, yes.

Council Chair Rapozo: That is annual.

Mr. Guirao: Yes.

Council Chair Rapozo: Okay, so that takes it to sixty-two thousand seven hundred sixteen (\$62,716). Standard of Conduct.

Mr. Guirao: There are two (2) classes, so...

Council Chair Rapozo: For an entry-level?

Mr. Guirao: It would be six hundred forty-nine dollars (\$649) for a PO-8 and below. Per month.

Council Chair Rapozo: Six hundred forty-nine dollars (\$649), so that is another seven thousand seven hundred eighty-eight dollars (\$7,788). You are looking at seventy thousand dollars (\$70,000) with all the...not counting overtime.

Mr. Guirao: Yes.

Council Chair Rapozo: That is the number.

Mr. Guirao: For now, yes.

Council Chair Rapozo: Okay. That is the number, Councilmember Yukimura.

Councilmember Yukimura: I was talking about after they are done with probation. How long is the probation period?

Mr. Guirao: It is one-year.

Councilmember Yukimura: So, right after.

Mr. Guirao: Unless for some reason you are extended, yes.

Councilmember Yukimura: What is it after probation?

Mr. Guirao: You would become a PO-7.

Councilmember Yukimura: What is that salary?

Council Chair Rapozo: It is a three thousand dollar (\$3,000) bump.

Councilmember Yukimura: Does the Standard of Conduct increase too?

Mr. Guirao: No. You would have to be the rank of PO-9 and above for the increase.

Councilmember Yukimura: Okay. So, it is sixty-three thousand dollars (\$63,000)...

Council Chair Rapozo: . Sixty-four thousand dollars (\$64,000).

Councilmember Yukimura: And then three thousand dollar (\$3,000) increase, plus seven thousand dollars (\$7,000).

Mr. Guirao: It would be the final total that the Chair gave for the PO-5 and you just add that three thousand dollars (\$3,000) and that would be the PO-7. Correct?

- Council Chair Rapozo: Correct.
- Mr. Guirao: Yes.
- Councilmember Yukimura: My figures were verified, so I will get that later. Thank you.
- Mr. Guirao: Okay.
- Council Chair Rapozo: Councilmember Chock.
- Councilmember Chock: Does that it include differentials, premiums, and overtime?
- Mr. Guirao: That is just the base, so if there is overtime for whatever reason—shortages, backfill—then that would be added on.
- Councilmember Chock: So, maybe overtime is not one because that is the variable that we cannot control, but there are additional variables...
- Mr. Guirao: There is subsidized vehicle, but not everybody has it.
- Councilmember Chock: I see.
- Council Chair Rapozo: The entry person is not going to get that. The reason I brought you up is the comment of eighty plus thousand dollars (\$80,000+) a year for an entry-level is inaccurate and that is all I wanted to clear up. When we are doing this on camera, everybody sees this, the numbers have to be accurate and I am not sure where the numbers come from, but I know they are not making eighty thousand dollars (\$80,000) to start. The comment was not made after probation, it was an entry-level police officer making eighty plus thousand dollars (\$80,000+) a year. That was the comment that was made on this table several times.
- Mr. Guirao: Yes.
- Council Chair Rapozo: I honestly did not have the data to dispute that at the time, but now that I have the information, I wanted to make that clear, because I think it is fair for the officers to make sure that the numbers are correct.
- Councilmember Kagawa: Even the Standard of Conduct, I recall asking the question, "What was the Standard of Conduct and I was asking about the rank-for-rank as well for the Fire side," and I remember hearing the comment that it was like eight hundred dollars (\$800) per paycheck. That would mean sixteen

hundred (\$1,600) per year. What is the figure? The Standard of Conduct, is it six hundred forty-nine dollars (\$649) per paycheck?

Council Chair Rapozo: A month.

Mr. Guirao: A month.

Councilmember Kagawa: The last time we asked and I do not know who was giving us the answer, but I remember hearing "per paycheck," but maybe he meant like eight hundred dollars (\$800) per month.

Council Chair Rapozo: I do not recall the discussion as far as the Standard of Conduct, but I know it is...

Mr. Guirao: Bear in mind, we are the only unit where you are subject to discipline twenty-four (24) hours a day, on-duty as well as off-duty. We are the only unit that has that.

Councilmember Kagawa: What is that?

Council Chair Rapozo: In other words, if the police officer does something crazy off-duty, he is subject to employer discipline, unlike any other...school teacher or Parks worker or any other County employee—when they are on their own time, they are on their own time. The police are the only ones that when they are on their own time and they do something crazy, they are subject to discipline at the department.

Councilmember Kagawa: I understand, but we did not have that provision in there six (6) years ago, right? It just got in the last contract.

Council Chair Rapozo: Standard of Conduct has been around probably ten (10) years now.

Councilmember Kagawa: It has been around ten (10) years?

Mr. Guirao: It has been awhile.

Council Chair Rapozo: Maybe even more.

Councilmember Kagawa: I thought that Chair Furfaro had said in the new contract, he said, "This is ridiculous. We got this added in now and they get paid for good behavior." I thought it was just the previous four-year contract that we were talking about.

- Council Chair Rapozo: No, no, and I do not even remember.
- Councilmember Kagawa: Was it even prior to that, that we have that?
- Council Chair Rapozo: I believe so. I believe the Standard of Conduct probably been...
- Mr. Guirao: If you want I can go and double-check and verify.
- Councilmember Kagawa: Yes. The rank-for-rank was just in as well four-years ago.
- Council Chair Rapozo: The rank-for-rank came after the Standard of Conduct.
- Mr. Guirao: That is strictly for the Fire Department.
- Councilmember Kagawa: But they did that in response to the Police getting the Standard of Conduct. That was the rationale for the rank-for-rank.
- Mr. Guirao: However, are they subject to discipline as well off-duty?
- Councilmember Kagawa: I do not believe so.
- Council Chair Rapozo: Yes, that was the creative way to balance the...
- Mr. Guirao: It is a double-edged-sword.
- Council Chair Rapozo: That was just a creative way to balance out the Police and Fire contracts. They could not give the Fire Department Standard of Conduct, so they gave them rank-for-rank to basically balance them out.
- Councilmember Kagawa: I think a briefing at the Committee Meeting from Janine so we all get educated on what the Police pay entails. I think that would be helpful for all of us, because it is going to become an issue at some point. Like I said, we would like to pay everything, but can we afford it?
- Mr. Guirao: Yes, it is an issue that all professions are facing now, especially with Police in trying to hire better-qualified individuals, so they would stay out of trouble.

Councilmember Yukimura: In these cases that we hear about in Honolulu where there are some times crimes committed by police officers or domestic violence, is there disciplinary action taken in every case?

Mr. Guirao: Yes, after it is adjudicated, then if discipline needs to be meted out, it will be meted out.

Councilmember Yukimura: You would hope that every citizen whether police or not follows the laws and actually follows certain conduct any way, right?

Mr. Guirao: If that was the case, then we would probably be out of a profession if everybody followed the law.

Councilmember Yukimura: Yes, I am just asking about the idea of paying for being a good citizen, that is all.

Mr. Guirao: True.

Councilmember Yukimura: I just want to say that you are correct, I usually say after probation, I say it in most cases, but that is what I intended. After one-year probation and if you look at the overtime pay and the Standard of Conduct and the regular salary, it is today, eighty thousand dollars (\$80,000) after a year. Total compensation, it is not just salary, but it is with overtime and all the premium pay and all of that.

Mr. Guirao: If you add everything, it could be up to that amount and more depending on the staffing.

Councilmember Yukimura: Right. Okay, thank you.

Council Chair Rapozo: I would not have disagreed if that was the comment, if it was everything included.

Councilmember Yukimura: I said total compensation.

Council Chair Rapozo: Okay. Councilmember Kagawa.

Councilmember Kagawa: With this new pay package where will Hawai'i police rank nationwide?

Mr. Guirao: We are still behind the curve as far as our west coast counterparts.

Councilmember Kagawa: Do we know what number we are?



Mr. Guirao: Not offhand.

Councilmember Kagawa: Out of the fifty-one (51) states, including District of Columbia?

Mr. Guirao: Out of the fifty-one (51) states, I do not think we are at the bottom and I do not think we are at the top. We are probably somewhere in the middle trying to go up, so we can get more applicants in.

Councilmember Kagawa: Well the teachers' union is forty-ninth (49th) in the nation, so you can see where I am coming from.

Mr. Guirao: I understand.

Councilmember Kagawa: Thank you.

Council Chair Rapozo: If we use the national ranking of Councilmembers pay, we would all be taking a pay-cut on this body. I think it is all relative. For one, I agree with Councilmember Kagawa. The school teachers make way...their salaries are ridiculously low and I can promise you if...why is it not that much higher? You have to talk to the State.

Mr. Guirao: I am only familiar with how we negotiate and our style of negotiations. I am not sure what economic forecasters the teachers' union utilize or what agencies they have access to, but yes, with Tenari, we do our homework.

Council Chair Rapozo: It is a trend if you look throughout the history. The units that are funded mainly by the State, meaning Hawai'i Government Employees Association (HGEA), United Public Workers (UPW), or teachers, they get a lower increase. The units that are funded by Counties, such as Police and Fire, get the larger increases. That is just the way it is and we have to talk to our legislatures, and our Governor to make those changes in the other units, but at the County-level, our only function is at this point of the game where we approve or not approve. The teachers, my goodness, they are with our kids more than we are and they are going to determine the future of our children. I think they are very underpaid and I wish that would be adjusted at some point. That is just my "two cents." Thank you. I will call the meeting back to order. Again, the motion on the floor is to receive. If you want to have the discussion and we want to deal with this, we can take the bill right afterwards and let everyone go. If there are no objections, I will take the bill next and then we can have the discussion on the bill. Is that okay?

The meeting was called back to order, and proceeded as follows:

The motion to receive C 2017-271 for the record was then put, and unanimously carried.

Council Chair Rapozo: Clerk, can you take Proposed Draft Bill (No. 2677) out of order?

There being no objections, Proposed Draft Bill (No. 2677) was taken out of order.

BILL FOR FIRST READING:

Proposed Draft Bill (No. 2677) – A BILL FOR AN ORDINANCE APPROVING A COLLECTIVE BARGAINING AGREEMENT FOR BARGAINING UNIT 12 BETWEEN JULY 1, 2017 AND JUNE 30, 2021: Councilmember Kagawa moved for passage of Proposed Draft Bill (No. 2677) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for January 10, 2018, and referred to the Committee of the Whole, seconded by Councilmember Chock.

Council Chair Rapozo: Should that not be Budget & Finance? Your choice, it does not matter, because they include all Members. Let us just keep it there at the Committee of the Whole, that is fine. Any further discussion? Councilmember Kagawa.

Councilmember Kagawa: I am going to be supporting the pay raises. The one that I really was opposed to was the Fire, because I feel like Fire has no hiring problem. They have more than sufficient number of well-qualified applicants. It is just a matter of them selecting the best out of the whole bunch that applies, whereas with Police, we actually do have somewhat of a hiring problem given the standards that are in place to hire an officer. For me, I will be supporting. My only hope is that through the Committee Meetings we can have some education as far as where we are headed. Mayor Caldwell is right on the money in saying, "Going forward, I do not know how these Counties are going to deal with it," because we are already the second highest in the nation for taxes, next to California. If we do not control some of our salary requests or we do not do a better job of treating other unions like HSTA if we have budget problems, but certainly I think we need to have somewhat of an equal pay negotiation package where we can satisfy both. I certainly think our taxpayers do not want to be the highest in the nation for taxes. Thank you.

Council Chair Rapozo: Councilmember Chock.

Councilmember Chock: I will also be supporting this on first reading and look forward to the discussion that will ensue. I think if the request could be expanded to really when we do get back together in Committee, to look at the bigger picture and not just the base salary, but also what the implications are of premium pay as it relates to overtime and others. We know that is really where the discussion has been targeted and the need for clarity to be increased. I want to thank Jesse for being here. It is really important for this Council, because we are meant to be fiscally

responsible, continue this kind of dialogue so that we can get the best understanding from where collective bargaining is going and how, so it is not just a checkmark off on our agenda, but we get clear about what the challenges are, which I understand are the retention in hiring, so we can make good and sound decisions and really plan for the future. We do not get that type of representation and interexchange of the time, so I do appreciate it. Again, I am just looking forward to the discussion as we move forward.

Council Chair Rapozo: Thank you. Anyone else? Councilmember Yukimura.

Councilmember Yukimura: I, too, want to thank SHOPO's representative Jesse for being here and answering so clearly what the facts are. I will be supporting this on first reading to get to public hearing.

Council Chair Rapozo: Anyone else? If not, roll call.

The motion passage of Proposed Draft Bill (No. 2677) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for January 10, 2018, and referred to the Committee of the Whole was then put, and carried by the following vote:

FOR PASSAGE:	Brun, Chock, Kagawa, Kaneshiro, Kawakami, Yukimura, Rapozo	TOTAL – 7,
AGAINST PASSAGE:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Seven (7) ayes.

Council Chair Rapozo: With that, we will resume at C 2017-272.

C 2017-272 Communication (11/15/2017) from the Salary Commission, transmitting for Council consideration, the Salary Commission's Resolution No. 2017-2, Relating to the Salaries of Certain Officers and Employees of the County of Kaua'i, which was adopted by the Salary Commission at its November 9, 2017 meeting.

- Salary Commission Resolution No. 2017-2

Council Chair Rapozo: Members this action requires one (1) of three (3) votes: one is to receive, which would be to accept in total; we can reject in part or we can reject in entirety. I want to open this up with a motion and then we can change the motion or vote on the motion. I just want to get it on the floor, so if we could get a motion from somebody. Councilmember Kagawa.

Councilmember Kagawa: Can I pick any of these three (3) motions?

Council Chair Rapozo: Yes.

Councilmember Kagawa moved to reject Salary Commission Resolution No. 2017-2 in its entirety, seconded by Councilmember Chock.

Council Chair Rapozo: Any discussion before I open it up for public testimony? Councilmember Yukimura.

Councilmember Yukimura: I see Chip Bahouth is here and I would like to get him up as a resource person if that is alright.

Council Chair Rapozo: With that, I will suspend the rules. Mr. Bahouth, thank you for being here.

There being no objections, the rules were suspended.

GERALD "CHIP" BAHOUTH, Vice Chair, Police Commission: Good morning, Chair and Councilmembers. My name is Chip Bahouth, for the record.

Councilmember Yukimura: Thank you for being here, Chip. You are not the Chair, but you are a Member?

Mr. Bahouth: I am the Vice Chair.

Councilmember Yukimura: Oh, for the Police Commission.

Mr. Bahouth: Yes, for the Police Commission.

Councilmember Yukimura: Sorry.

Mr. Bahouth: Not Salary Commission.

Councilmember Kagawa: Wrong Commission.

Councilmember Yukimura: Yes, I guess, sorry.

Mr. Bahouth: I am going to leave now.

Councilmember Yukimura: You just have so many important positions.

Mr. Bahouth: Yes, thank you for your time.

Councilmember Yukimura: Maybe we can have Paula up or is there anybody from the...

Council Chair Rapozo: Is there a representative from the Salary Commission? Wow.

Councilmember Yukimura: The cover letter is pretty skimpy.

Council Chair Rapozo: Well, again, you would think and this happens often where they are asking for our support and they are not here. It is very difficult. Let me call the meeting back to order so we can have some discussion before we open for public testimony. Councilmember Kagawa.

The meeting was called back to order, and proceeded as follows:

Councilmember Kagawa: I would say that the previous salary increases, when it passed, I think the Council took some gas on that. We are looking now at a General Excise Tax (GET) increase, we are looking at pay increases for the Police that is going to be on the books soon, and Fire is already on the books. We thought we were broke last year, I think we even more broke. To take the salaries on now, it is like is it worthy? Did the Salary Commission do a good job? Absolutely. They are trying to keep the salaries in line with the increases that the workers under HGEA, the subservients, are getting. They want to keep that distance so that it is still attractive to be the Department Head. Absolutely, I agree, but we are not Santa Claus. Certainly we deal with a budget that right now tells us that we cannot afford to commit moneys that we do not have at this time because we cannot afford it right now. To say that we are going to reject it is not to say that our hardworking Department Heads do not deserve to be rewarded and to be enticed to keep their jobs because it is not as financially rewarding as the civil service jobs below. I hope that we can reject it now because we certainly need to be responsible and right now we are telling the public that we realize that we do not have enough money at this time to pay these increases because I do not want to see what happened the last time when the public were outraged at the last increases and it passed. I did not vote for it at that time, but you still get gas, because whether you vote for or not, if it passes, the people out there are looking at this County to be more responsible. Thank you.

Council Chair Rapozo: Further discussion before we go to public testimony? Is there anybody in the audience wishing to testify on this matter?

There being no objection, the rules were suspended to take public testimony.

GLENN MICKENS: For the record, Glenn Mickens. In my opinion, I do not think that any salaries should be raised unless the responsible for a betterment in our government is accomplished. To just give automatic raises to those

making over one hundred thousand dollars (\$100,000) a year, for me, should not happen when most of the issues on Kaua'i are getting worst. For example, roads, traffic, low-income housing, solid waste, homeless people, and more. Why should those in charge of these programs be getting raises? The police are doing their job as statistics show and should get raises accordingly, especially since they are putting their lives on the job to protect us and possibly the firefighters should do the same, but to just say, "Give people automatic raises," I do not think that should be. If you are in private practice, you have to show that you are doing your job. You are hired to be a carpenter or something and you cannot do your job, they let you go. They are not going to come around and just give you an automatic raise. Anyway, that is my opinion. Thank you.

Council Chair Rapozo:

Thank you. Anyone else? Mr. Rosa.

JOE ROSA:

For the record, Joe Rosa. I hear the same old song. The wages that are coming out again for the staff members appointed by the Mayor is more than all four (4) collective bargaining units put together. Think about it. They are getting two percent (2%), but two percent (2%) of one hundred thousand dollars (\$100,000) compared to the two percent (2%) of the rank in file pay, if they have two percent (2%). This collective bargaining law came in effect because of Kaua'i County way back in the 1960s. They said they were broke, but yet, they turned around and gave they staff members raises, which was denied. Someone on this Council right now should know about it because it happened then in the '60s. I was with HGEA in the State. Basically the collective bargaining law came into effective making it binding that whatever was decided at those meetings that it would be it and final and the County would have to come up with the money. It has happened. There was no raise for the top-level, the rank in file, they got their raises, but you see it is two percent (2%) of one hundred thousand dollars plus (\$100,000+) and this is only coming about because it is going to be the last year for the Mayor and people will get raises on the set committees for the best three (3) years of their service. They are trying to fatten themselves up now by getting those raises for those people. I know of two (2) members right off-hand that they will probably have a deeper, fatter pocket at the next year when they retire because they are not going to be on that Administration because of the new Mayor. Think about it. The people are up to their necks in taxes, and like what Councilmember Kagawa mentioned, that we are up in the higher bracket as far as paying taxes throughout the nation. People have been talking to me about it and I said, "That means if you go to the store and buy food, it is going to be an extra tax and people are having a hard, which will lead to more homeless people." You have to think—I retired now and I am living on my retirement that I worked for and got and I am able to live satisfactory with all things that are out there in this world today. I am totally against those big raises. Two percent (2%) of one hundred thousand dollars plus (\$100,000+) and then when the people came into...

Council Chair Rapozo: Joe hang on. Anyone else wishing to testify? Ken, do you want to testify? Okay, Joe, I am going to ask you to step aside, Ken has to come up, and then you can come back for your second three (3) minutes.

Mr. Rosa:

Thank you.

KEN TAYLOR: Chair, Members of the Council, my name is Ken Taylor. I was just recently reading some of the minutes and so on from the Salary Commission and one of their statements said, "Well we have to give these raises so that we can retain these Department Heads." Well, when you are making over one hundred thousand dollars (\$100,000) a year on this island, there are not too many places you are going to go that you are going to get another job for one hundred thousand dollars (\$100,000), plus all the benefits. I am opposed to many of these increases in salaries at this point in time. I recently gave you my numbers of looking at the buildout of the proposed General Plan, which could raise taxes by five hundred sixty dollars (\$560) per household. I am still waiting to hear from you that you are going to do a cost analysis on that project. The other issues that are coming down the pipe is we recently saw in the paper that because of the deficits in retirement funds, there is going to be a need for a tremendous amount of new moneys just to cover some of that cost. At this point in time, it does not make any sense to increase salaries of any of the department heads. I hope you will vote in that direction. Thank you.

Council Chair Rapozo: Thank you. Anyone else for the first time? Mr. Rosa, did you want to have a second time? It is not mandatory.

Mr. Rosa: I am not a union representative, but I was a union member. The article that Mr. Taylor mentioned. The County is always coming up to say that they are delinquent in paying the retirement system something like three million dollars (\$3,000,000). Why do they not pay the three million with the wages that they are trying to give those department heads first and do not jeopardize the state retirement system? That is what is happening. The County complained, "Oh we have to pay," but they do not look at it while these guys are double-dipping when they announce they retirement and they are coming back and getting any job to elevate their retirement. I wish I could do that. I came back and was on contract with the State, but it was day to day, no vacation, and no sick leave. Over here, I did not hear anything yet, but I would like to know whether those people are being compensated, doubling. If they are drawing their state retirement and taking the County paycheck, that is double dipping and it is kind of illegal. You go work on contract day-to-day, 30-days a month, one-day vacation, come back, and get continue working. The rank-in-file has to go through that process. I did not fatten my pocket when I was called back to help the state because it was a critical position that I was in and they could not get replacements because of the qualifications. I am wondering about the civil service system, those that do not have the qualifications for positions that people should be able to qualify and do their job. You want to give raises to

positions that some of them are not totally qualified. That is why I said I do not know how the civil service is run. So, I can see the picture on the wall. Give them the pay raise, the last term of the Mayor, they can qualify for their retirement for the best three (3) years that they have, this one hundred thousand dollars (\$300,000) paying jobs. That is stealing money from the people and stealing money from the County. Everybody would like to get a nice, fat paycheck when they retire, but not everybody is fortunate enough to have it. That is why I have been talking to people and people have been talking to me. I tell them, "That is the way it is going. They are giving people the jobs, putting them in a higher retirement pay level, and they work thirty-six (36) years in one scale and in four (4) years, they are going to get the top three (3)." Look into that. The Salary Commission appointed by the Administration and now this is the last year that the Administration will be in office and a lot of those department heads...

Council Chair Rapozo: Joe, that is your time.

Mr. Rosa: Thank you.

Council Chair Rapozo: With that, I will call the meeting back to order. Further discussion? Councilmember Kaneshiro.

There being no further public testimony, the meeting was called back to order, and proceeded as follows:

Councilmember Kaneshiro: I will not be supporting the increases, but we did get this comparison sheet that was passed out right now and I did hear that Big Island just passed salary increases, and to the Salary Commission's defense, if you look through this spreadsheet, there is a large difference. With the last increase that we did, we ended up in middle of all the Counties and Big Island was well below everyone, but with Big Island's approval, we are now at the bottom of pretty much every single position. Some of them we are at the bottom by almost twenty percent (20%) to thirty percent (30%), so I know the Salary Commission is not here and I am not here to defend them of anything, but just looking at this spreadsheet, Kaua'i is now at the bottom for pay for everybody. Again, we recently did an increase, so I am not going to be supporting an increase now, but if you just look at the spreadsheet, Kaua'i is dead last in almost every position by almost ten percent (10%) to twenty percent (20%) compared to the other Counties. I am not going to argue why we should be paid the same as Honolulu County or anything like that, but I think when the Commission looks at it, they are comparing what people are getting paid across the state. I know they also provide what the recent collective bargainings have been and I do not know if they based their decision on that. To the people out there and their satisfaction, we do have probably some of the lowest paid Administration—we have some of the lowest paid Administration in the State. But that being said, I will not



voting for the increases anyway. We went through this just last year or two (2) years ago and I am okay with wherever we are at for now.

Council Chair Rapozo:

Councilmember Chock.

Councilmember Chock: I, too, will not be supporting the proposed raises. I want to thank the Salary Commission for their hard work. I think that they have really looking at this objectively. While they are not here and they have not explained it in their memorandum, I do understand with the amount that they are proposing not only to keep up with inflation, but also potential inversions. I think that what this Council has talked about consistently is the idea of being fiscally responsible and we have made some hard decisions even with the Fire collective bargaining this past year, which was a very difficult decision. We need to look at this on our end from that standpoint and it does end with us. I also had in the past voiced my displeasure with having the Council vote on our own raises and I think that is something that I will look at in the Charter to change in the future. Because we increased last year, I think we are in a good place to take a step back from it and say let us continue to monitor our budget, continue to be responsible with it, let us get our bond rating up, let us be healthy as an organization, and we can look at these raises and ensure that the deficit between our Administration and the workers have the right gap. Thank you.

Council Chair Rapozo:

Anyone else? Councilmember Yukimura.

Councilmember Yukimura: Yes, I will be voting to reject the proposed salaries. I concur with Glenn Mickens, Joe Rosa, and Ken Taylor on this issue. We are today considering an excise tax because we do not have enough money to provide basic services, such as repairing our roads and expanding transit. We would consider a pay raise for high-end, over one hundred thousand dollar (\$100,000) paid administrators. It just does not make sense to me. We already passed last year increases to these administrative salaries. I would consider a proposal to raise certain salaries, for example, the Public Works Engineer because of the difficulty of hiring and when you look at the market rates, we are lower, but to look at other counties does not really persuade me. I do not think we should compare ourselves to O'ahu, which has one million (1,000,000) people compared to our seventy thousand (70,000) people. If you look at Big Island and Maui, they have two or three times the population that we have and many, many more workers, County employees, to oversee then we do. I see no justification for these raises proposed before us when so many of our constituents, the residents of this island, are struggling to make ends meet and are looking for really high-level County services that we are not always providing.

Council Chair Rapozo:

Anyone else? Councilmember Kagawa.

Councilmember Kagawa: I concur with what Councilmember Yukimura just said. I will just give you an example as far as when you say, "Better pay equals better public servants that are going to serve in these Administrative positions." My dad was an example. He was asked by Mayor Malapit to be the Deputy County Engineer for this County and he served for twelve (12) years with a significant pay cut from his job at the base. He was a licensed engineer and did a lot of good things. I think my dad saw this job helping the County as a challenge for him and it added to his resume. It was a challenge to help give back to the community and improve this County. People do not serve just because of the dollar figure and whether it is a three thousand dollar (\$3,000) increase over last year—to me, that is a fallacy. When you take this job to serve this County in an Administrative role, you do accept the less pay, but it is a challenge, it is your way of giving back to the community, and it adds to your resume to see if you can make this County better and stronger. Yes, while I do agree that we want to keep the separation or at least closer to the top civil servants in the County, I do not believe that the pay will matter as far as the next mayor, finding capable people that will give back and will give up a little bit pay to take the challenge and try to make this County stronger. Thank you.

Council Chair Rapozo: Anyone else? I just want to make a comment. I think Councilmember Kagawa, you hit it right on the head. I think people forget that these positions are community service. I think it is an opportunity to give back to the community. People forget, too, that these positions come with twenty-one (21) days of sick leave and twenty-one (21) days of vacation; paid. That is forty-two (42) days a year. There is a benefit. There is a cost, a value to that. There is also all of the paid holidays that...we have every one of them. The one we loss was Columbus Day, but we have all the rest. The Salary Commission did a great job and the comparisons and all of that, I think they did their homework, but like Big Island, they have a large tax-base. They increased taxes by the way, this last year. They are raising taxes. If we are prepared to raise taxes, then if you want to support the raises, then you got to figure out how we are going to fund it and the only way is really raising the taxes. Also, we are voting for maximum salaries and it is not a huge jump on this one, but at a prior meeting, I asked the Administration, how many of the employees that were subject to raises got the maximum and I believe the answer was all. Every one of them got the maximum. Really, when you are approving this, you are approving the salary. That brings me to the last Salary Commission that we had and as I look at this chart, it reminds me how unfair that process was. We came through and we voted against the raises and then the process really...I cannot think of another word other than "manipulated." The process was manipulated and it was not the Salary Commission that did it, it was the County Council that went back and maneuvered all these different positions, came back to the Council, had the discussion, had the debate, and when all the dust settled, majority of them got the raises, but the one that did not was our County Clerk and our Deputy. Directors, department heads that manage the legislative side of the house, which to me is no less than the administrative side of the house. They may have more people, but they are no more

important than this side. Our Clerk and Deputy Clerk and their staff work extremely hard to provide services to the public and they do a fantastic job, but we sacrificed them, so that we could give members of the Administration raises. I cannot get over that. That still bugs me today. I requested a resolution from the Salary Commission subsequently to reconsider that and they did and that passed, but they refused to give our Clerk and Deputy the retroactive. While all these other department heads raise from July 1, 2016, our department heads never got it until July 1, 2017, they lost a year of compensation, which is totally unfair. The refusal of the back pay was the Salary Commission's and I disagree with them one hundred percent (100%). I still think they made the wrong decision, but they made that decision. Our Clerk and our Deputy stays a year behind. They lost a year of salary because of that manipulation and that still bothers me. Obviously, I am not going to be supporting this. I think the timing—to put it on the same day as Councilmember Yukimura said, as the GET increase, I do not know, it is almost like it is doomed for failure because who in the world is going to support a tax increase to fund salaries at this time? That is where I am at today. I do not even think we should look at certain positions getting more than others. I think we should go with the motion to reject in entirety. Councilmember Yukimura.

Councilmember Yukimura: I just want to say that in the past, the vote that you referred to, it was not just the Deputy Clerk and the County Clerk, it was also the deputy-level deputies in other departments. Part of the reason that I proposed this two-tiered system was because at the deputy-level, they were comparable to the deputies in other counties. I did not think it was necessary. I guess you will be happy to know Chair that if you look at the record, the County Clerk on Kaua'i has a salary of one hundred fourteen thousand dollars (\$114,000) and the Maui and Hawai'i Clerks are at ninety-three thousand dollars (\$93,000) and ninety-nine thousand dollars (\$99,000), so we are more than at par now. I think we are in the right place.

Council Chair Rapozo: Sometimes I just wonder. If you look at the staff assistance the Clerks on the other islands have...look at the staff the members that they have to spread the work and look at what our Clerk does. It is apples and oranges, if you are just looking at numbers. I do not really care what Honolulu, Maui, and Big Island does. I really could care less what they do. My focus is here on Kaua'i, our employees, and the fairness and equity across the board. That is all I care about. I really do not care what the others do, because every single island is different, every department on every island is different. Look at the Council for example on the other islands, they all have personal staff. One Council can have up to three (3), four (4), and in some cases five (5) personal staff that attends to that member. Do you know where the workload of those five (5) people are on Kaua'i, right here. So, I do not care what they do. I know that our people work hard and our Clerk and our Deputy deserve that raise and they did not get it and that is why I am upset. This is not Honolulu, this is not Maui, and this is not the Big Island. If I had five (5) personal

staff...even if I had one (1), the workload off of our Clerk would drop tremendously, but we do not have. Aida is here, Eddie, all of these people that you see in this room, poor things, they have assignments from Mel Rapozo on the same subject as Councilmember Chock and as Councilmember Kaneshiro, and they have to separate themselves to accommodate seven (7) Councilmembers, so please, do not tell me about the Big Island and Maui and Honolulu. It is irrelevant to me. Councilmember Yukimura.

Councilmember Yukimura: We have considered proposals and it is up to us if we want to have personal assistance, so that is totally in our hands to do. If that is a way to alleviate the burden on our staff, we can do that.

Council Chair Rapozo: I am not going to extend the debate. Any further discussion? Seeing none, the motion is to reject in its entirety. Roll call, please.

The motion to reject Salary Commission Resolution No. 2017-2 in its entirety was then put, and carried by the following vote:

FOR MOTION:	Brun, Chock, Kagawa, Kaneshiro, Kawakami, Yukimura, Rapozo	TOTAL – 7,
AGAINST MOTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Seven (7) ayes.

Council Chair Rapozo: Next item.

#### COMMITTEE REPORTS:

#### PUBLIC WORKS / PARKS & RECREATION COMMITTEE:

A report (No. CR-PWPR 2017-22) submitted by the Public Works / Parks & Recreation Committee, recommending that the following be Received for the Record:

“PWPR 2017-18 Communication (11/13/2017) from Council Chair Rapozo, requesting the presence of the Manager & Chief Engineer for the Department of Water, to provide a briefing on the Department of Water’s “Water Plan 2020” and other technical studies, including but not limited to timelines, methodologies, and sustainable yields,”

Councilmember Brun moved for approval of the report, seconded by Councilmember Kaneshiro.

Council Chair Rapozo: Any discussion or public testimony?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

The motion for approval of the report was then put, and unanimously carried.

Council Chair Rapozo:                      Next item, please.

**BUDGET & FINANCE COMMITTEE:**

A report (No. CR-BF 2017-25) submitted by the Budget & Finance Committee, recommending that the following be Approved on second and final reading:

“Bill No. 2670 – A BILL FOR AN ORDINANCE TO ESTABLISH A GENERAL EXCISE AND USE TAX SURCHARGE FOR THE COUNTY OF KAUAI,”

Ms. Fountain-Tanigawa:                      We do have one (1) member of the public that would like to speak on the Committee Report.

Council Chair Rapozo:                      On CR-BF 2017-25?

Ms. Fountain-Tanigawa:                      Yes. Glenn Mickens.

Council Chair Rapozo:                      Glenn, this item is coming up next. Do you have a comment on the minutes or do you have a comment on the GET surcharge?

There being no objections, the rules were suspended.

Mr. Mickens:                                      Whatever is easiest?

Council Chair Rapozo:                      I prefer you testify at the Bill.

Mr. Mickens:                                      Okay.

The meeting was called back to order, and proceeded as follows:

The motion for approval of the report was then put, and unanimously carried.

A report (No. CR-BF 2017-26) submitted by the Budget & Finance Committee, recommending that the following be Received for the Record:

“Bill No. 2672 – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2017-821, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2017 THROUGH JUNE 30, 2018, BY REVISING THE AMOUNTS ESTIMATED IN THE GENERAL FUND (*Office of the County Attorney–Special Counsel Account - \$150,000.00*),”

Councilmember Kagawa moved for approval of the report, seconded by Councilmember Kaneshiro.

Council Chair Rapozo: Any discussion or public testimony?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

The motion for approval of the report was then put, and unanimously carried.

Council Chair Rapozo: Next item, please.

**BILLS FOR SECOND READING:**

Bill No. 2670 – A BILL FOR AN ORDINANCE TO ESTABLISH A GENERAL EXCISE AND USE TAX SURCHARGE FOR THE COUNTY OF KAUAI: Councilmember Chock moved to approve Bill No. 2670, on second and final reading, and that it be transmitted to the Mayor for his approval, seconded by Councilmember Kaneshiro.

Council Chair Rapozo: I am going to take a caption break right now, because I do not want to be interrupted when we come back. We are due for a caption break in forty (40) minutes. Let us do the caption break now for ten (10) minutes and take up Bill No. 2670 when we return.

There being no objections, the Council recessed at 9:49 a.m.

The meeting was called back to order at 10:02 a.m., and proceeded as follows:

Council Chair Rapozo: Is there any public testimony on this item? I will suspend the rules. Who is the first speaker?

Ms. Fountain-Tanigawa: The first speaker is Sean Mahoney, followed by Glenn Mickens.

There being no objections, the rules were suspended.

SEAN MAHONEY: *Aloha*, Chair Rapozo and Members of the Kaua'i County Council. My name is Sean Mahoney presenting Hawai'i Regional Council of Carpenters. The Hawai'i Regional Council of Carpenters strongly supports Bill No. 2670. This measure will establish a general excise tax and use tax surcharge to fund road repairs, fix bridges, and provide transportation improvements for pedestrians and those who use public transportation. It simply provides the County resources to do its job and that job is maintaining our island infrastructure, repair what is broken, old, obsolete, and keep Kaua'i a great place to live. This is important to folks like us;

carpenters who see the value when maintaining the things we build. There is value when taking care of what we have because in the end, it will take care of us. The jobs that will come as a result of maintaining our road infrastructure is also a benefit to our economy and it is good use of capital funds to maintain a level of work even in a downturn. But beyond the jobs created, this is an opportunity to have tourists pay for their impact on our island. Unlike the Transient Accommodations Tax (TAT) that we beg for, this money stays on island. Last year in Hawai'i, the visitor bureau reported that tourists spent one billion six hundred million dollars (\$1,600,000,000). Had this surcharge been in place, Kaua'i County could have collected eight million three hundred thousand dollars (\$8,300,000) last year towards our roads and buses, just from the tourists. In ten (10) years of collecting this tax, that would be eighty million dollars (\$80,000,000). I understand the hard position you are in to ask folks to pay a bit more in taxes, especially our local people who are struggling; however, this is an opportunity we must not pass up. It will free up County funds now being used toward fixing roads so they can be directed to other needs, and in the long-run, it could prevent the need to increase fuel taxes, property taxes, and other County fees. Thank you for allowing us to express our support for this bill.

Council Chair Rapozo:

Thank you. Next.

Ms. Fountain-Tanigawa:

Glenn Mickens, followed by Jerome Freitas.

Mr. Mickens:

For the record, Glenn Mickens. You have a copy of my testimony; let me read it for the viewing public. "Since raises in taxes in the past that were supposed to go for specific projects like roads but were comingled and used for other projects, as our late auditor's roads report showed, with our roads being in terrible shape, why should we believe that a new tax, like Bill No. 2670, will be used any differently? I have been told that the faults of designated funds going to projects unrelated to those specified as in Ernie's audit, have been corrected." Ken just told me that, which is great if the (inaudible) is changed now. "But the question with me remains that if corrections have been made then why are the conditions of our roads not seeing improvement? In other words, money that was being syphoned off for other than roads repaving should now be seeing positive results, but they are not. Remember that this roads audit was done in 2006-2007, ten (10) years ago. So certainly corrections should have been made by now. I also understand that three million dollars (\$3,000,000) of the seventeen million dollars (\$17,000,000) we are taking in from fuel, weight, registration, and utility fees is still going towards lowering our bus subsidization fees of eight million dollars (\$8,000,000) a year. If this is true, and I got it from a very reliable source, then this three million dollars (\$3,000,000) certainly needs to go with the meager one million two hundred thousand dollars (\$1,200,000) we are now getting for resurfacing and let the bus system manage to operate more efficiently, with no disrespect to those trying to do their jobs in that department. It is hard to believe that only Council Chair Rapozo has the welfare of the mass of the people on Kaua'i in mind by voting no to this Bill. Sure, the easy way for the Administration and even the Council would be to simply raise our taxes before finding out where the waste is and stopping it. But putting another tax burden on the already second highest taxed county in the nation, is not and should not be the answer." Like Councilmember Kagawa just said, we are one of the highest taxed people in the county. "Especially since this is a regressive tax and will hurt the lower and middle income people more than those in the higher tax

brackets," which I am sure you know. "I, and the majority of your constituents, ask that you follow Council Rapozo's lead and defeat Bill No. 2670." Any tax that is regressive like this should not be put on the people. Any new tax. You are going to hear screaming. Councilmember Kagawa, you have been the leader on this saying, "No new taxes. The people do not want new taxes." To put this on as the gentleman said, "How do we know it is going to be any different than all the rest of the taxes, such as the weight taxes and such?" Thank you.

Council Chair Rapozo:

Thank you. Next speaker.

Ms. Fountain-Tanigawa:

Jerome Freitas, followed by Alice Parker.

**JEROME FREITAS:** Good morning, Council Chair Rapozo, Council Vice Chair Kagawa, Councilmembers, and the Staff. I was here last week when you were talking about the raising of the excise tax. I am really not against raising the taxes, but all the years that has been going around is money, money, money, hiring of a lot of people on the Administration's staff, and things like that. The Administration and the staff have to be more accountable of doing their job and not just giving them money. Every time they want a raise, they give them money. Accountability—do your job. It shows in the past few years, the roads were not paved. Now they said they have a ten-year plan. I guarantee you it will not work out. I am retired, on a fixed-income with social security and pension. For me, maybe I can say, I can afford it. It is not going to really hurt me, but still yet, I think it is going to hurt the low-income people who are retired. Like all you Councilmembers make about sixty-five thousand dollars (\$65,000) a year. I can afford that if I make that much money—duck soup. You have to look out for the people. The people are the ones who once again pay your wages as far as the taxes people pay. You have to be reasonable. If I was a Councilmember, I am for the people. It is what it is. The people come first. Do not be afraid to say yes or no. I am going to watch how you vote for this. I have a lot of friends and a lot of dreams, talking about anything you want to talk about, but where is the money? It is good to get things, but where is the money? The State Highway Division, they said they do not have the money. They cannot do it. Talk is cheap, but where is the money? I know I am running out of time, thirty (30) seconds more, but can I come back again? Thank you very much for giving me the opportunity.

Ms. Fountain-Tanigawa:  
Taylor.

Next speaker is Alice Parker, followed by Ken

**ALICE PARKER:** Alice Parker, for the record. I am going to revert to World War II when Uncle Sam wants you...Auntie Alice wants you to step up and not impose this regressive tax, at least not general excise. Can you not be specific and not tax food and drugs? I mean we are suffering, we, of low-income. I beat your heads about this enough, but please there must be...I know we need our roads fixed, but do not tax medicine and drugs. Thank you.

Ms. Fountain-Tanigawa:

Ken Taylor, followed by Joe Rosa.

**KEN TAYLOR:** Chair and Members of the Council, my name is Ken Taylor. Again, I am opposed to at least the way this bill is written. I would like you



to show me any community that has reduced traffic congestion by increasing buses. I think this entire activity, I know and understand that you adopted the Multimodal Plan back in 2013, but these numbers, I do not believe that there is four and a half percent (4.5%) of traffic is being diverted by people walking to work in 2010. It is a far cry to believe that eleven percent (11%) will be walking in 2035, but maybe things will be different then. As far as increases in the traffic on the bus, the number here is four hundred twenty-one percent (421%), but when you look at the increases in population, I think there is a direct correlation between population, so the real increase of taking people off the roads is absolutely ridiculous. I just read one little paragraph out of an article that was in the paper this morning and the title of the article is *Why Are Fewer People Riding The Bus?* This is in reference to Honolulu. The bus has indeed seen an annual ridership plunge by more than ten million (10,000,000) passengers in the last five (5) years from seventy-six million (76,000,000) in fiscal year 2012 to sixty-five million (65,000,000) in 2017. This reflects a national trend in declining bus usage. Now, we can say what we want about increasing the bus, and yes, there will be a few more riders, population is going to increase, it is going to bump up the ridership, but anybody that drives on the highways over the last twenty (20) years, even with a four hundred plus (400+) percent increase in bus ridership have a hard time believing that you have eliminated any congestion. Thank you.

Ms. Fountain-Tanigawa:

Joe Rosa, followed by Chad Deal.

JOE ROSA:

Good morning. For the record, Joe Rosa. During the past couple of weeks, people have been asking me about this so-called tax. They say, "For the roads," but what roads are you talking about? Are you talking about the County roads or the State roads? You need to get it clarified. From what I understand, they said it is not State roads, it is County roads, so it is a County business and they should take care of their business. If it has to do with the State, go see the State Engineer Larry Dill. He was with the County, but he flew the coop. He thought he would have it easy going over there, but he is in another hot seat. Tax, tax, tax. Like I said people, especially the elderly, that extra tax on the food maybe will keep them from buying food items because of that extra tax, they do not have enough money. You have to look at it. The people are being over taxed as it is. Another thing, what is your County's priorities? Is it the bike path that they had to still subsidize the military to come and do it or is it the County getting to fix their roads? What is the priority? I heard it time and time again from the late Bryan Baptiste. The first thing he looked into is the infrastructure, our highways, but what has been done? He came, he went, and he is gone, God bless his soul, but those are the kind of things. You people have to stick to your priorities. The bike path is not a priority. It is a failure. You get nothing but complaints. In yesterday's paper, a lady complained about the upkeep of the path and the dogs that every time she pass there, the dogs are growling and barking at her and at other people too. Is that a priority? I never heard the bike path was a priority when it came about in 2002, when a person sat here and said that it would ease the infrastructure and the traffic condition on Kaua'i in the Kawaihau corridor, but it has not. We are still choking by the neck with transportation problems. You people have to be realistic to the fact that list your priorities and do what it is and do not make cheap talk. We are paying the tax; let us see the results—priorities first. Recreation like the bike path, that is a health thing. It is not a problem with...it is up to the individual to take care of their health. They say people will be obese when they become thirty-seven

(37), they are not thirty-seven (37)...they are teenagers and obese already. Whose fault is that? It is the upbringing. I blame the school system because there is no play time in the schools.

Council Chair Rapozo: Joe, I have to stop you there.

Mr. Rosa: Thank you.

Ms. Fountain-Tanigawa: Chad Deal.

CHAD DEAL: Good morning, Council Chair, Vice Chair, and Councilmembers. My name is Chad Deal and I am representing the Board of Realtors, the Government Affairs Director. I am here today to testify. Traditionally, the Board of Realtors opposes the GE tax because of its regressive nature; however, we can and support the intent of this tax, provided that it is earmarked specifically for the use of transportation and the highway infrastructure that we so badly need. If that can be contained strictly for that use, we can support the intent of this bill. Thank you very much for the opportunity to testify.

Council Chair Rapozo: Thank you. Chad, there is a question.

Councilmember Kagawa: Chad, out of curiosity. Is the current GE tax of four percent (4%) taxed onto properties that are sold? For example, say a person buys it for half a million dollars (\$500,000), which is the average price right now, does the four percent (4%) get taxed on a five hundred thousand dollar (\$500,000) purchase?

Mr. Deal: No, the GE tax is strictly for income that a relator receives. Let us say, commission, for example, that a relator would receive on the sale of the property. The seller or the buyer are not concerned with the GE tax.

Councilmember Kagawa: Thank you.

Council Chair Rapozo: Thank you.

Ms. Fountain-Tanigawa: There are no further registered speakers.

Council Chair Rapozo: Anyone else wishing to testify for the first time?

BART DAME: Aloha Chair and Members. I have to first disqualify myself...

Council Chair Rapozo: If you could just state your name first.

Mr. Dame: My name is Bart Dame and I live in Honolulu. I am just visiting. I would like to answer a few things. Concerns about the decline in bus ridership on O'ahu...this city basically has been neglecting the bus system...the money has been going into the train system. When Jeremy Harris, who you folks often know, was Mayor, he put a lot of time into trying to figure out how to gin up more

ridership and they took close attention to the details on how to improve service to the community. Since that time however, success of administration's has largely viewed it as a drain on the budget and particularly with the increase cost of the train. As the Chair knows, I took an interest in the transient accommodations tax that was being raised in order to fund the train system on O'ahu and it caused me to look more closely into some of the statistics you folks would know better than me. My impression is that Kaua'i has the highest ratio of visitors to residents in the entire state and a large portion that generally a tax policy on O'ahu when they discussed is it assumed about a third of the GET is exported to non-residents. On Kaua'i, I assumed it is probably higher than that. Now, I agree that the GET in general is a regressive tax and I would like to try to avoid that between the burden that you were concerned about on residents, but to the extent that it can be exported, it is perhaps a very efficient way to raise money. I would not...if you could offset the regressivity by giving tax breaks to low-income people through property tax or through other things, I think that is a good way to redress that problem, and at the same time, get the benefits of the ruthless efficiency of the GET as a way of raising particularly if you can export it to non-residents. So for that reason, I would support this.

Council Chair Rapozo:  
the first time? Second time?

Thank you. Anyone else wishing to testify for

Ms. Parker: Alice Parker for the record and for the second time. Now, I have heard no explanation for why it has to be a general excise tax. Here I go again, can we not exclude tax on food and medicines? We are having enough trouble buying food, we do not need to have it taxed. Can anybody answer that? Do we have to use an excise tax? Is there some other way to do that? Thank you.

Council Chair Rapozo:

Go ahead.

Councilmember Kawakami: Because there was a question that was asked, I can help answer. When I first came on to the County Council and we were the owners and operators of the Big Save grocery stores, one of the first things I did was advocate the legislature for a sales tax because it did two (2) things: one, it allows the counties to control our own destiny. We were tired of getting on our hands and knees and begging the legislature for funding for our roads, programs, and services that we provide to the State...stadiums for state football games. I mean, we provide lifeguards for State beaches, we do rescues on State lands. So one, it allowed us to control our own destiny. Two, as a grocery operator, you are exactly right--in the bill, it gave us conditions where we could exempt food and drugs, we could turn it on, we could turn it off, we could adjust it, but unfortunately, we are a political subdivision of the State and they have not granted us that authority for taxation. We have been trying to go and lobby for, so this is the vehicle that they have given us. I hope that can answer your question and I hear you. It is a tough one, but we are playing with the cards that we are dealt with and that is the tough reality. That is just how it goes. This is the vehicle that was provided to us. People thought I was crazy asking for a State tax and they are saying, "What are you trying to do," and I am saying, "I think the County should control our own destiny and at least it gives us the exempt authority to control what we are going to tax." That is the tough part.

Ms. Parker:  
Kawakami.

Thank you so much, Councilmember

Council Chair Rapozo:

Thank you. Anyone else?

There being no further public testimony, the meeting was called back to order, and proceeded as follows:

Council Chair Rapozo:

Yes? Okay, go ahead, I will suspend the rules.

There being no objections, the rules were suspended.

Mr. Freitas: I wanted to say that the roads are very important. We have good roads, like Councilmember Yukimura always says about the buses, but if you have bad roads and things, it is bad for the buses, a lot of wear and tear and a lot of maintenance. A lot of people call me up from the bus and tell me, "Jerome, when you drive up Kilauea, there are a lot of bumps in the roads and there are a lot of maintenance we entail." So it is good to get the buses, I am not against the bus system, it is okay, and someday I might use the bus myself, but the roads are important. We have a lot of wear and tear. People call me up that they have claims against the County about potholes and damage to their vehicles, so that is important. The roads are number one. Like Councilmember Kagawa and Council Chair Rapozo said, take care the roads first and then if we have the extra money, we take care of other things. That is all you have to do. Look for the people first. Anybody can talk about anything, but where is the money. The money has to come from somewhere, so you have to get your priorities straightened out. That is what I do. I have a budget. I cannot just spend, spend, spend, and where is your money going? Accountability is what it is. You have to get people that work in the Administration that is qualified that they can do the job. A lot of mistakes will pay off later on. The one we had at solid waste, what happened? I know it has nothing to do with this here, but it was a waste of money. You have to get leaders that know what they are doing--accountability, hire people that know what they are doing. If not, it is going to waste a lot of our taxpayers money. I want to help everybody out. I want to do this for the public. I respect all you folks, but this is the way I feel. I bring it out and tell my piece and I am happy. Thank you very much.

Council Chair Rapozo:

Thank you.

The meeting was called back to order, and proceeded as follows:

Council Chair Rapozo:

Discussion? Councilmember Kagawa.

Councilmember Kagawa: This is one of the toughest decisions I have ever been faced with on this Council. The reason why we are here is because six (6) years ago, the legislature decided to cap the County's portion of the TAT, which was a longstanding percentage. The financial blow to the County has been approximately thirteen million dollars (\$13,000,000) per year of lost revenue, multiply that by five (5) years of effect: you are talking about sixty-five million dollars (\$65,000,000). We are talking about a one hundred twenty-five million dollar (\$125,000,000) backlog in roads only and surely thirteen million dollars (\$13,000,000) per year has been a significant

blow to our County's ability to pave roads, fix roads, and fix bridges. The legislature has dealt with rail and this is the offer to the other counties. They need to offer by statute the same thing they offered to the City and County and we will never have rail here, obviously, but we do have major transportation problems. Just take a look and take a drive around, it is no secret. Take a drive around Kekaha and Waimea, the roads are terrible, near the high school and leading up to the high school, Hanapēpē, oh my goodness. Going up to the heights, 'Ele'ele, everywhere I drive, Lāwa'i, Kōloa Road, Kapa'a, Olohena Road, all the interior roads. Kilauea, by the main highway leading up to the food mart going into the gym area, I mean, our roads are terrible. Honolulu roads are terrible as well, but for Kaua'i, I think the public expects...you have a two hundred million dollar (\$200,000,000) budget and you folks have fell behind over one hundred billion and the bridges, look at the bridges up at Wailua Homesteads, 'Ōpaeka'a Bridge. That thing is going to fall. It is rusted to the max and Hanapēpē Bridge, one hundred (100) years ago, major spalling going on. What are we going to wait for? Are we going to wait for the bridge to actually fall? Where is the money? Do we have money to fix them? No. We are breaking even every year with the budget...not even breaking even every year with the budget. The union increases, which the final one will be the Police, that will be more of a burden, the salary increases than our normal increases in real property taxes due to market values. How are we going to fix all of these roads? People are going crazy about the infrastructure here as far as, "What are we going to do and when are we going to pave roads?" They say their motor vehicle bills all went up, their tax every year goes up, and we do not ask permission for the public to raise those. The public looks at their tax bill, if their value went up fifty thousand dollars (\$50,000) over the prior year because of market sales in the area, it is one hundred fifty dollars (\$150) increase for the Homestead class. Did the public ask permission to do that? No, we just taxed them more. This tax, if you spend twenty thousand dollars (\$20,000) in GET taxable goods or services, it will mean one hundred dollars (\$100) more per year. It is not much. Our real property taxes go up that much every year to them. I am not saying that this is a good tax, by no means. This is the last resort, but it is our last chance in garnering some of the revenue that we have been losing in the TAT. The question is how are we going to fix the infrastructure if we do not do it? I have proposed major cuts and I cannot get four (4) votes. I have lost probably a lot of votes to Police, Fire, HGEA, and what have you because I am trying to address the needs internally by cutting, but it is very difficult to get four (4) or five (5) votes to do it on a body like this, because the unions will tell you that the sky is falling. Actually, our County budget is falling and our infrastructure is falling, so this is a solution. If I cannot get the votes, what am I going to do? Keep banging my head on the solutions? I think we got to look forward, we got to fix the infrastructure, we cannot just tell the people, "Continue to wait until your bridge falls or your until your car tires blow up in potholes." It is a tough, tough decision and that is why I had a silent vote last week. I am not ecstatic about supporting something like this; however, what is my solution? Am I going to keep banging my head with no results or am I going to try and get the infrastructure improve for the future. Are we going to just kick the can down the road until we get somebody brave enough on this Council to do something?

Council Chair Rapozo:

Councilmember Kagawa, your five (5) minutes.

Councilmember Kagawa:

Thank you.

Council Chair Rapozo:

Anyone else? Councilmember Kaneshiro.

Councilmember Kaneshiro: I have said it once and I will say it again. I support this tax. What it comes down to is what is our responsibility, and I think I have been pounding on this the entire time but, in the past we have been kicking the can down the road. My question is what is our responsibility? We know we have this obligation and liability. We have over one hundred million dollars (\$100,000,000) worth of roadwork that needs to be done now. What is our responsibility? How are we going to do it? We are not going to be able to throw one million dollars (\$1,000,000) or two million dollars (\$2,000,000) and expect to get one hundred million dollars (\$100,000,000) worth of roadwork done. Something needs to happen now. We talk a lot of about making the future better for the next generation, but if we just keep kicking the can down the road, we are actually making it worst. Our road obligation is going to continue to increase and it is going to be even harder to catch up. For me, my vote is to do something now. General excise tax—it is what it is. That is what we have in our tool box now. There is only a few ways that the County raises... gets money. TAT is one. Are we going to get more TAT? I am not going to hold my breath on it because we have been trying as long as I have been on Council to get more TAT, but we have not. Again, I am not going to hold my breath on getting more TAT to fix the roads. Our other ways are real property taxes and taxing the people, taxing the commercial, and taxing the people on the island. Fuel tax is another way and vehicle weight tax. Those are our only options and when you look at a general excise tax, I hear you, it is a regressive tax, but actually we are able to spread the tax burden out to more than just the residents. We are able to spread it to the tourism industry. Tourists are going to come and they are going to pay a general excise tax. If we do not take that opportunity then our tax base is going to be way smaller. We are going to be taxing people on real property taxes or we are going to be raising fuel tax, which directly affects the residents here. It is better that we get to spread this obligation out. We get to set our net wider with a general excise tax. Again, it is not going to last forever and it is an option and I think we need to take it because the type of liability that we have on our roads now is huge. I do not think anybody can tell me that roads are not a big issue on the island. I think one of the major things we hear from all of our residents is how bad our County and State roads are, but we cannot just say, "That is the State's responsibility. The State needs to fix the roads." We know our County roads, we have bridges, we have obligations ourselves that need to get done. My vote is to do something about it now and not pass this obligation on to the next generation. I will be voting for this.

Council Chair Rapozo:

Councilmember Brun.

Councilmember Brun: Councilmember Kagawa and Councilmember Kaneshiro hit everything. For me, earlier in the year, I would not have supported this. Looking at it now and going through the budget and every day in the community, the one thing you hear about are roads and traffic, every single day. I do not think there is any time that somebody will not bring that up. We do not have money. We do not have money in the budget. It is not going to get done. One million dollars (\$1,000,000) or two million dollars (\$2,000,000) will not do anything for our roads and I just feel like this is our last resort. Again, TAT, we are not going to get anymore, no matter how hard we try. Let us just get that out of our head. That is going to help the rail, which let us get that done, too. We are that far into it. I think this is our last resort. In talking to people

yesterday, we can do other things to help local residents and try to help them with some of their tax breaks on different things, but we cannot be raising property tax, we cannot be raising everything else. I think that this is the one that is going to touch everybody and that is why I will be supporting this. I am fully into these roads and I agree one hundred percent (100%). If we could use one hundred percent (100%) of this to roads, I would use one hundred percent (100%), because in four (4) years, we would fix all of our roads that need repairs...or five (5) years...one hundred million dollars (\$100,000,000). That would fix every single road. To move money around, they will have to come back to this Council, whoever is on this Council in two (2) to three (3) years, to get the money anyway. I will be supporting this and my main purpose is to get the roads fixed. We all campaigned on fixing roads, every single year for the last forty-four (44) years, but we are one hundred something million dollars in the hole on roads right now. This is my first year and I think we can do something about it now and get that step forward to work on the roads and that is why I will be supporting this. We say it every year that we do not want to raise taxes, but I feel this is the last resort and we have to do this. That will affect everybody and not just the local residents, because the locals are suffering. Councilmember Kawakami talked about how the State has the authority to do food and drug, and we do not, so this is what we are dealt with, this is what came down, and this is what we are going to be supporting. If I had my way, I would put every single penny to fix our roads, every penny of this, but that is going to come up later on with whomever comes up with the Council when the new Administration comes on and requests this money to be used. Thank you.

Council Chair Rapozo:

Councilmember Kawakami.

Councilmember Kawakami: I, too, will be supporting this. Often times the right decisions are not popular decisions and I can definitely say that this is a hard decision to make. But I can tell you that the way that the legislature has structured this vehicle for the Counties has been so fine-tuned, and I can tell you why. The original intent of this was to give the City and County of Honolulu a funding mechanism for their rail project. The State had so much heartburn that they put in language to restrict it so much towards transportation and towards rail and so that it could not be used for salaries. I really feel that as a tax, this is a type of parameters that should be set when we are increasing taxes, taxes that are addressing social justice issues, because I can tell you if you do not think that transportation, public transportation is not a social justice issue, it is one of two of the biggest barriers for people that are living in poverty to get gainful employment and to keep employment. Getting to and from work and also childcare. If you take a look at Hawai'i, here are some statistics. In 2017, our infrastructure report card deemed Hawai'i as having thirty-nine percent (39%) of our public roads in poor condition. United States Department of Transportation has said, "Structurally, Hawai'i has four hundred ninety-four (494) of one thousand one hundred twenty-five (1,125) bridges that are structurally deficient." Forty-three point nine percent (43.9%). These are bridges that we are expecting our families, our kids, and our *kūpuna* to drive across every single day. Forty-three point nine percent (43.9%) structurally deficit. Public health and safety—a priority for the County. The annual total extra vehicle repairs and operating costs due to driving on roads in need of fixing in Hawai'i, that means the total extra cost of driving a vehicle in Hawai'i because of our road conditions, adds five hundred fifteen dollars (\$515) per motorists per year on average. Percentage of roads that are just mediocre in Hawai'i is forty-nine percent

(49%). The definition of insanity is doing the same thing over, and over, and over again and expecting a different type of outcome. We have, as a County, been doing the same things over and over and over again, expecting to have better roads. I agree—I wish that the legislature has allowed us more flexibility to add in things such as housing. So here is another idea, we might be the only County that is excepting this GE surcharge for roads and public transportation. That really positions us in a favorable way to at least begin the discussion with the legislature to say, “Hey, here are the other needs that we have heard. Housing. Can we use some of this GE surcharge for housing issues?” I am not saying this is a guarantee, but at least it opens the door for some type of creativity and collaboration to reach out to them. I want to remind you what is happening on the Big Island. The Big Island has no curbside trash pickup, they just increased salaries, they are not looking at GE surcharge, they are increasing their fuel tax from eight point eight cents to twenty-three cents per gallon. I ask you, “Who are the majority of these people that are paying this fuel surcharge day in and day out?” People from Kekaha, people from Anahola that has to drive to Līhu‘e, people that are working two to three jobs are paying this fuel surcharge, so like Mr. Dame said, there are ways that this County, in our tool box, has ways to offset this cost. I would just ask my fellow colleagues to be creative to take a look at where local people are paying and I really think fuel and vehicle weight are definite places where we should look. Thank you.

Council Chair Rapozo:

Anyone else? Councilmember Chock.

Councilmember Chock: I, too, will be supporting this measure. While it is a very difficult decision, and as stated by every member on this table, I think it is really about where it is we are looking down the road and who is going to be paying for the infrastructure and the cost of this infrastructure. For me, the next ten (10) years is really on us; the people who are in the seats now, the people who are alive now for the next ten (10) years to take this responsibility on, not for our kids and not for the next generations, but that we take care of what our *kuleana* is. It is these roads, it is these bridges, and our transportation system. This is not funding the bike path, this is not funding any State roads, it is a very directed fund, and it is unfortunate that we do not have the power of exemptions on income tax on food and drug as was requested. We have to look at other ways to provide services that might be helpful, whether it is increase in bus passes or as was stated other mechanisms that we have within our purview for the County. We need to get to work and we need to fix these roads, so I will be supporting this. Thank you.

Council Chair Rapozo:

Anyone else? Councilmember Yukimura.

Councilmember Yukimura: I am so grateful to hear the Council say that we will be fixing our roads because this is something that I have been lobbying for and asking for, for many years. Today, we are choosing not to kick the can down the road and put the burden on our kids. I, too, will be voting for Bill No. 2670 because it will enable us to expand the Kaua‘i bus system and fix our roads. I have lobbied at the State legislature for almost four (4) years as Transportation Committee Chair to secure this authorization for neighbor island counties to enact a general excise tax surcharge to fund land transportation improvements. These improvements, including expansion of the Kaua‘i Bus, are important because Kaua‘i County cannot move ahead without effectively addressing traffic gridlock. Gridlock cost us time and money, especially for



our small businesses and construction and trucking companies that depend on our roads and it adds stress and diminishes the visitor experience for Kaua'i. Kaua'i cannot move ahead if our workers cannot get to and from work and if employers cannot find workers, workers who depend on the bus cannot except weekend work because the weekend bus schedule is too infrequent. This worsens the plight for both large and small employers on Kaua'i struggling to find workers. They could have more workers on weekends if the bus schedule were better. We must recognize that transit is a key factor in the economic development of our County. It is clear that besides improving traffic, the multimodal approach is more sustainable in terms of impact to the environment. It is more affordable for families. It promotes healthier individuals in communities and it keeps our island beautiful; there is nothing more uglier than a six-lane highway. So, a sustained, beautiful, equitable, and healthy place—these are the goals of our General Plan Update and we will be achieving that in funding our multimodal system. I have been working for over seven (7) years to get our roads fixed. When I started by asking how much money we needed and how we would determine which roads to pave first, the Department of Public Works was unable to answer my questions. To their credit, first under Larry Dill, and then under Lyle Tabata, the Department of Public Works has recognized the need for a systems approach and they have retooled themselves with new software and a new road resurfacing and life extending techniques, as well as better bid criteria, and procedures that now enable them to assess the condition of each road and develop a plan with priorities that are not set politically, but based on evidence. Now, they can tell us how much money they need and what we can expect to accomplish. With this kind of professional approach, it is easy to approve funding if we have the funding. I introduced small fuel and vehicle weight tax repair because I felt it was important that users pay their fair share; however, the Council has not been willing to support this and it looks instead that we have to turn to the excise tax surcharge, which will provide funding, but I hope we never forget that we are subsidizing large, heavy vehicles on the backs of low and moderate income residents who bear the largest burden of a regressive excise tax surcharge. This is an equity and economic justice issue. That is why I tried to reduce the excise tax percentage from half percent to three-eighths of a percent because three-eighths will generate eighteen million dollars (\$18,000,000) which will pay for our roads and expand our bus system and we should only take as much as we need. Finally, I want to thank the State legislature, especially Senator Kouchi and the House Finance Committee Chair Sylvia Luke, and Ways and Means Committee Chair Donovan Dela Cruz, and our Kaua'i Delegation for giving us another chance. I also want to thank the Administration for their work on this matter and I want to thank my colleagues for allowing us to move ahead.

Council Chair Rapozo:

Thank you. Councilmember Kawakami.

Councilmember Kawakami: Thank you. Just to add another point that I talked about a little bit at the last meeting, one thing that we are not discussing wholeheartedly, but we are in a time where we have a low unemployment rate and we have a fairly healthy economy, but I can tell you that the economy, the unemployment rate is cyclical. When construction jobs are stale and they are down, they count on CIP projects from government to kind of buffer the ups and downs. As far as job creation, this type of funding for CIP projects and this type of focus on government spending, when it does not go towards salaries, when it is earmarked specifically for CIP and for transportation, these are the types of spending that really spur economic growth. I know

that people have been talking about the taxes and paying more, but I can tell you that the number of jobs this is going to create when it is focused on CIP, when it is focused on road spending is going to be exponential. The amount of construction jobs are one thing to talk about. All of our carpenters, all of the people that lay asphalt, all of the plumbers, all of the trades that will be employed by these CIP appropriations, the number of supportive industry jobs...

Council Chair Rapozo: Councilmember Kawakami.

Councilmember Kawakami: Yes.

Council Chair Rapozo: Your time is up. I am sorry.

Councilmember Kawakami: Did I have one (1) more minute?

Council Chair Rapozo: You can wrap it up. I let Councilmember Yukimura go over, so you can go over.

Councilmember Kawakami: Thank you. I think this is the very first time in the history that I have gone over the time, so I really appreciate the extra time. I thought I had another three (3) minutes. I will wrap it up really quickly. The number of manufacturing jobs is another thing to talk about, but when you take a look at the number of induced jobs that are created and supported, the waitresses, the people that work in the hotel industry that depend on tourists coming into Hawai'i so they do not have to deal with traffic, they are driving on good roads--these are all part of an economy. I really feel that this type of spending spurs economic growth in spending. Thank you.

Council Chair Rapozo: Anyone else? Councilmember Kagawa.

Councilmember Kagawa: I just want to add. I do not thank the legislature for taking our share of the TAT.

Council Chair Rapozo: He is up, too? Okay, well you, too, you can wrap it up.

Councilmember Kagawa: I do not thank them for taking our share of the TAT. I think the better solution would have been the legislature themselves increase the half percent and then they would not have to steal our portion. I believe the tourists portion that comes from the TAT belongs to Kaua'i County to fix the tourist impact on the roads and bridges. Thank you.

Council Chair Rapozo: Anyone else? This is going to be your last opportunity because I am going to reserve the right to speak last and then we will take the roll call right after that. Let me just start off by saying the poor conditions of our roads is not because of the lack of funding. I want to make that clear right now. This Council as long as I have been here has always funded the request of the Administration for what they wanted to do. We never short funded them. I do not want people to think we need this to fix the roads. It is not the money that is causing the problems in the

roads conditions. It is our accountability, our efficiency, and our ability to do it. So, I do not want to hear all this about we need the money—no, because the money has been allocated, the jobs have not been done. That is the problem. Can we handle twenty-five million dollars (\$25,000,000) a year? Can this County, Public Works, and Transportation? We talked about the regressivity of this tax...it does affect the poor and the fixed income people. I talked about that last week and I am not going to beat a dead horse, but I think Alice said it best. She is an example. She cannot afford another increase. She cannot. I could sit here and justify this tax if I wanted to, but honestly...I do not know if Councilmember Kagawa remembers, but we were going through this exercise the last time and Councilmember Kagawa told the Administration and the Department of Public Works and said, "Prove to us that you can spend the money. Prove to us that you can pave some roads." Have you seen that, Councilmember Kagawa? I have not. Will twenty-five more million is going to make it better? Like, boom, what are we going to do? I am not convinced that the money itself is going to fix the problem. I honestly do not believe we have the capacity to spend that much money in this County. I do not believe so. We just finished a two hundred somewhat thousand dollars study on the bus system. Yes, that was a fabulous study. For the first time in my career, I was actually really comfortable and I was very happy about the study that was done. It was a study on how are we going to expand this bus overtime based on the parameters that we have on this island. It was a well done study and it spelled out for us going forward and it does not cost six million two hundred thousand dollars (\$6,200,000) a year for their plan, but that is what is being allocated out of this fund. Six million two hundred thousand dollars (\$6,200,000) a year going to transportation. What are they going to do with that money? You cannot use it for the bus, you cannot logistically spend it on roads—what happens? What do we do? Do we continue to tax the people? The State did not even give us an opportunity to charge less if we wanted to. You charge half of a percent, you use it for roads and transportation, tax food, tax medicine, tax everything...they give us no flexibility, which to me, I am like Councilmember Kagawa, I do not thank them. I fault them for not thinking about Alice and the fixed-income people, for taking away the TAT, which we could use as we see fit. Have you been to the parks lately? It is not just roads and transportation. The capacity, the ability to spend this money—I question. I am not going to go into the TAT, I think Councilmember Kagawa talked about that. The bottom line is this is what the State wants. They want us to exercise the GET option so they can feel good about taking the TAT because they gave us this mechanism. They were nice enough, Christmas, December is coming up, and they gave us this nice opportunity to tax our people. That is what they gave us for Christmas and I do not support that at all. The other big problem I have is when this all came about the last time and maybe some of you do not remember this, but the selling point for the GET was, "Mel, listen, we are going to take four million from the GET, we are going to put it into transportation, the four million that is there from General Fund, we are going to be able to get back." That is not what the plan is. The plan right now is to use every single penny of this GE tax money and increase the expenditures of this County, not to replace General Fund money. That is the selling point. I felt like a new car buyer. You know when you go to the car dealership, the bait and switch—"Hey Mel, think about this, we are going to put four million in, we are going to be able to take four million out back to General Fund, so we can use for parks, we can use for..." No, every penny is going. In essence, what we are doing is we are making the government fatter on the backs of Alice and all the other people that live and visit here. That is what is happening today. Yes, we make the State happy. Maybe it will put us

in good graces with them. I do not know. I do not think so. I do not think this is going to help, because I think they have latched on to the TAT and I do not think we will get that back. What I do believe is that if...the computer programs, all the software, and all of these fancy things that Councilmember Yukimura talked about—yes, we got that, but have any roads been paved? Have any roads been paved? I do not care about the software that we have. Again, it is not because of the money. They have had the money. It is logistics, it is procurement, it is all of these other things that we got to deal with that create barriers for us to get this done. Now, twenty-five million dollars (\$25,000,000), take away six million dollars (\$6,000,000), that is nineteen million dollars (\$19,000,000) for roads. How are we going to make that happen? We cannot even complete what we have now. People say this is political, but it is not political. I have been here too long to know that money is not the problem. Money is not why our roads are not getting fixed and to use this as an opportunity to get more money, I applaud that, because it is. This is great money, but again, it is not free. This is on the backs of our people and, I know what it is like and I know that people are going to suffer and I am not prepared to do that. With that, roll call.

Councilmember Yukimura: Council Chair?

Council Chair Rapozo: Roll call.

The motion to approve Bill No. 2670, on second and final reading, and that it be transmitted to the Mayor for his approval was then put, and carried by the following vote:

FOR APPROVAL:	Brun, Chock, Kagawa, Kaneshiro,	
	Kawakami, Yukimura	TOTAL – 6*,
AGAINST APPROVAL:	Rapozo	TOTAL – 1,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

*(\*Pursuant to Rule No. 5(b) of the Rules of the Council of the County of Kaua'i, Councilmember Kagawa was noted silent, but shall be recorded as an affirmative for the motion.)*

Ms. Fountain-Tanigawa: Six (6) ayes.

Council Chair Rapozo: Thank you. Next item, please.

Bill No. 2672 – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2017-821, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2017 THROUGH JUNE 30, 2018, BY REVISING THE AMOUNTS ESTIMATED IN THE GENERAL FUND (*Office of the County Attorney–Special Counsel Account - \$150,000.00*): Councilmember Chock moved to receive Bill No. 2672 for the record, seconded by Councilmember Kaneshiro.

Council Chair Rapozo: Any discussion or public testimony?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

Council Chair Rapozo: Seeing none. Roll call.

The motion to receive Bill No. 2672 for the record was then put, and carried by the following vote:

FOR RECEIPT:	Brun, Chock, Kagawa, Kaneshiro, Kawakami, Yukimura, Rapozo	TOTAL – 7,
AGAINST RECEIPT:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Council Chair Rapozo: That ends the business of today, but before we adjourn the meeting, can you read us into Executive Session, please?

#### EXECUTIVE SESSION:

ES-931 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4, 92-5(a)(4), and Kaua'i County Charter Section 3.07(E), on behalf of the Council, the Office of the County Attorney requests an Executive Session with the Council to provide the Council with a briefing and discussion in matters regarding Kaua'i Police Department personnel policies, and implementation and related matters. This briefing and consultation involves the consideration of the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item.

ES-932 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4, 92-5(a)(4), and Kaua'i County Charter Section 3.07(E), on behalf of the Council, the Office of the County Attorney requests an Executive Session with the Council to provide the Council with a briefing and discussion regarding the production of documents related to a personnel matter, and related matters. This briefing and consultation involves consideration of the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item.

Councilmember Chock moved to convene in Executive Session for ES-931 and ES-932, seconded by Councilmember Kaneshiro.

Council Chair Rapozo: Any discussion or public testimony?  
Councilmember Chock.

Councilmember Chock: I would like to get an explanation at least for the public on the first item as it relates to the need to go into Executive Session. I do not know if it is clearly stated.

Council Chair Rapozo: Mr. Trask.

There being no objections, the rules were suspended.

MAUNA KEA TRASK, County Attorney: For the record, Mauna Kea Trask, County Attorney.

Councilmember Chock: I just want to make sure that we are going into Executive Session for the right reasons and if you could just provide an explanation as to how it is on the agenda, what we are covering, and the reasons why.

Council Chair Rapozo: Let me start by saying the request was because of the recent publicity of what was going on with the Police Department and one of our Members had requested a briefing. That is where it went. Mauna Kea addressed it and posted it as such. I am not sure how much we can actually discuss, even in the back. I do not know how much we know, but because of the six (6) day posting requirement, we do not have much time to investigate or explore information, so that is why it is here. I am not sure if you have anything more to add.

Mr. Trask: That is correct. I think I had about a day to figure out how to phrase this. As far as any specific incidents pertaining to arising out of *The Garden Island* article, that is an administrative process within the Police Department. It is a personnel action, it is not something that Council has authority to get into at this time. If it is regarding general personnel policies, that is a matter of public record. It is not appropriate to discuss in executive session, it would actually be out over here on the floor. With that, that is the best I can kind of figure out. I just want to state for the record, that I do not really know if it is appropriate to go in at all or to discuss it on the floor, but I understand it was a question and we tried to handle it the best we could.

Councilmember Chock: Okay, well I guess we will have to entertain the question and see where it should sit.

Mr. Trask: Yes.

Councilmember Chock: Okay, thank you.

Council Chair Rapozo: Any other questions of the County Attorney?  
Okay, thank you very much.

The meeting was called back to order, and proceeded as follows:

Council Chair Rapozo: Councilmember Kagawa.

Councilmember Kagawa: I just want to state for the record that this item came up because of me. I am concerned about making sure that when we do things and announce things that we think carefully prior to releasing things to the press. I prefer a more subtle approach, because the way it came out did not taste good in my mouth. Being that we are the ones when problems arise, we have to pay the bill and that is why I think it is our *kuleana*. If it is not our *kuleana* than to do not make us approve the bills, you folks pay it out of your own funds or the department's funds. While it comes out of this Council's prerogative to settle cases where things are handled improperly, I believe it is our *kuleana*. I want to know what is going on and how can we improve so that when we come out, it is a little more subtle, our releases, because employees do have rights and we need to respect them. Thank you.

Council Chair Rapozo: I want to suspend the rules to ask you a question, Mauna Kea.

There being no objections, the rules were suspended.

Council Chair Rapozo: Do you have any information regarding this matter that you would be able to provide in Executive Session?

Mr. Trask: No. I have a hard time even understanding what this is about and so I really do not know. Just real briefly, I do agree with Councilmember Kagawa's statement that our employees do have rights and we do need to respect them. It seems to be an ongoing personnel matter with which I am not familiar and it is covered by collective bargaining agreements, it is covered by numerous State statutes, and so that expresses all that kind of issues. It is complex, it is not the cleanest and most orderly thing, but it does reflect an accurate government structure under our Charter and so I just want to...

Council Chair Rapozo: I spoke to the Chief briefly, several days ago, and he is not at liberty to discuss any part of this case with anyone and I respect that because it is a pending investigation. The way this is posted, if we are talking about generalities about how the policy...what happens when the complaint is filed, about the process, that should be done out here. It should not be done in an executive session posting. I would ask that we repost for another day, but if there is something...because if not, I do not even want to go back there. I would ask for a motion to receive this out here, so we do not even go in the back. I do not want to go in the back for you to tell us there is nothing to disclose.

Mr. Trask: That, in effect, is what it would be, but again in light of Councilmember Kagawa's statement, if and when that does hit that appropriate point that it is clearly within your preview, it involves legislation or the purse strings, you will hear about it and you will be briefed in the back.

Councilmember Kagawa: What is the harm of going into Executive Session? I am going to ask a question, if they are not going to answer it, do not answer it.

Council Chair Rapozo: There is no harm.

Councilmember Kagawa: Give me the reason why you are not answering it.

Council Chair Rapozo: Okay. Got it.

Councilmember Kagawa: Like I said, we approve requests when things go wrong. I think we need to know prior to things going wrong what is going on.

Council Chair Rapozo: You have a question about a specific case I am assuming.

Councilmember Kagawa: Yes.

Council Chair Rapozo: Okay, perfect.

Councilmember Kagawa: You folks all know the case, come on.

Council Chair Rapozo: Yes, well, it has been in the paper. I mean on television.

Councilmember Kagawa: It came out on KHON2 news. I can say the name if you want, but...

Mr. Trask: Please do not.

Council Chair Rapozo: Anymore questions of Mauna Kea? If not, thank you.

The meeting was called back to order, and proceeded as follows:

Council Chair Rapozo: Roll call.

The motion to convene in Executive Session for ES-931 and ES-932 was then put, and carried by the following vote:

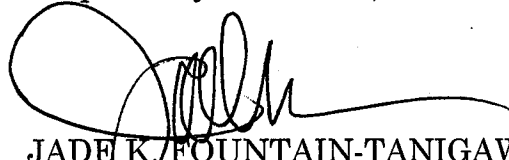
FOR EXECUTIVE SESSION:	Brun, Chock, Kagawa, Kaneshiro, Kawakami, Yukimura, Rapozo	TOTAL - 7,
AGAINST EXECUTIVE SESSION:	None	TOTAL - 0,
EXCUSED & NOT VOTING:	None	TOTAL - 0,
RECUSED & NOT VOTING:	None	TOTAL - 0.

Council Chair Rapozo: The official agenda is adjourned. We will have a public hearing at 1:30 p.m.

ADJOURNMENT:

There being no further business, the Council Meeting adjourned at 11:09 a.m.

Respectfully submitted,



JADE K. FOUNTAIN-TANIGAWA  
County Clerk

:dmc